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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,083	11/16/1999	KIYOSHI SUKAGAWA	1614.1011	3835
21171	7590	11/04/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			TRAN, DZUNG D	
			ART UNIT	PAPER NUMBER
			2633	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,083

Applicant(s)

SUKEGAWA ET AL.

Examiner

Dzung D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed in 08/26/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-11 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a second examination signal generator" in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al. US publication no. 2002/0015200 in view of Koga et al. US patent no. 5,995,254.

In considering claims 1 and 12-17, Jennings discloses a system and method for monitoring and characterizing optical links, the transmission line monitoring comprising:

a first optical coupling unit (figure 2, element 124, paragraph 0016, line 3) which couples a down data signal of a first wavelength (figure 2, element λ_2 , paragraph 0016, line 4) and a test signal (same as claimed examination signal) of a second wavelength (figure 2, element λ_1 , paragraph 0016, line 2) so as to transmit a first coupled signal (λ_1 , λ_2) to a lower apparatus (paragraph 0016, lines 5-6);

a first optical dividing unit (figure 2, element 128, paragraph 0016, line 7) to demultiplex said first coupled signal (λ_1 , λ_2) from said optical coupling unit so as to divide and split said first coupled signal (λ_1 , λ_2) into said down data signal with the first wavelength (λ_2) and said examination signal with the second wavelength (λ_1);

a second optical coupling unit (figure 2, element 130, paragraph 0016, line 9) which couples an up data signal with the third wavelength (λ_3) and said examination signal (λ_1) from said first optical dividing unit 128 so as to transmit a second coupled signal (λ_1 , λ_3) toward a host apparatus;

a second optical dividing unit (figure 2, element 126, paragraph 0017, line 9) to demultiplex said second coupled signal (λ_1 , λ_3) from said second optical coupling unit 130 so as to divide said second coupled signal (λ_1 , λ_3) into said up data signal with the first wavelength (λ_3) and said examination signal with the second wavelength (λ_1);

a monitoring shelf unit 122 which monitors a fault and a location of said fault by using said examination signal with the second wavelength λ_1 (page 2, paragraph 0018, lines 1-10). Jennings differs from claims 1 and 12-17 of the present invention in that Jennings does not specifically disclose a specific wavelength (for example λ_2) for an up data signal (e.g. the invention claimed the up data signal of the first wavelength λ_2). Koga discloses a DWM light transmitting system which can monitor its transmission line (abstract) having the same wavelength (λ_1) for transmitting the down data signal and up data signal (figure 2). Since the down data signal and up data signal is transmitting through different links (e.g. up line and down line) and therefore no interference

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between down data signal and up data signal, it would have been obvious to an artisan at the time of the invention was made to include the teaching of Koga in the transmission line monitoring of Jennings. One of an ordinary skill in the art would have been motivated to do that in order to use the same components (e.g. same LED for outputting same wavelength, or filter for filtering the same wavelength) through out the system, thus it reducing maintenance costs associated with the system.

In considering claim 2, figure 2 of Jennings clearly shown a first optical coupling unit, said first optical dividing unit, said second optical coupling unit, and said second optical dividing unit are formed of passive elements (Figure 2, elements 124, 126, 128, 130).

In considering claim 3, Jennings further discloses a laser test source (same as first examination signal generator) (figure 2, element 120) which generates said examination signal with the second wavelength (figure 2, element $\lambda 1$).

In considering claim 5, Jennings further discloses a WDM coupler 128 which divides an input down data signal into two signals, one signal being converted into said down data signal with the first wavelength, the other signal being converted into said examination signal with the second wavelength.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al. US publication no. 2002/0015200 in view of Koga et al. US patent no. 5,995,254 and further in view of Tsushima et al. US patent no. 5,500,756.

In considering claim 4, as per claims above, Jennings and Koga discloses all the limitations and Koga further disclose monitoring unit including which monitors a signal level of said examination signal with the second wavelength and, if said signal level is lower than a predetermined signal level (column 3, lines 21-25). The combination of Jennings and Koga does not disclose an alarm information output unit which monitors a signal level of the examination signal with the second wavelength and, if the signal level is lower than a predetermined signal level, then outputs an alarm information and insert the alarm information into an up data signal to be transmitted to the host apparatus and controls start and stop of the alarm information output unit and start and stop of the alarm information display/transferring unit. Tsushima from the same field of endeavor, discloses an optical system having a supervisory equipment (see figure 10) including a power monitor 9 for detecting data power P_d and a controller 10 for comparing with the normal value to judge that whether the optical equipment is failure then output an alarm signal (col. 2, line 62 to col. 3, line 8). It would have been obvious to an artisan at the time of the invention was made to include the teaching of Tsushima in the transmission line monitoring of Jennings and Koga. One of an ordinary skill in the art would have been motivated to do that in order to inform the system maintenance technician (visible or audible) of the system failure information (e.g. fault location or failure equipment).

5. Claims 6-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DT


M. R. SEDIGHIAN
PRIMARY EXAMINER